

MAY 22 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE VIRGEN-PRECIADO,

Defendant - Appellant.

No. 07-10004

D.C. No. CR-04-01518-CKJ

MEMORANDUM<sup>\*</sup>

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE VIRGEN-PRECIADO,

Defendant - Appellant.

No. 07-10007

D.C. No. CR-01-01266-CKJ

Appeal from the United States District Court  
for the District of Arizona

Cindy K. Jorgenson, District Judge, Presiding

---

<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Submitted May 20, 2008\*\*

Before: PREGERSON, TASHIMA and GOULD, Circuit Judges.

In these consolidated appeals, Jose Virgen-Preciado appeals from his jury-trial conviction and 27-month sentence for illegal reentry, in violation of 8 U.S.C. § 1326, and from the revocation of supervised release.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Virgen-Preciado's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. Virgen-Preciado has filed a pro se supplemental opening brief, and the government has filed an answering brief.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no arguable grounds for relief on direct appeal.

Counsel's motion to withdraw is granted.

The government's motion to strike documents attached to the pro se brief is granted.

All other pending motions are denied as moot.

**AFFIRMED.**

---

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).